

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, September 8, 2004
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 25, 2004, and should indicate the agenda item to which it is applicable.

If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff.

Written material submitted after 5:00 P.M. on Wednesday, September 1, 2004 will not be provided to the Regional Board members and will not be considered by the Regional Board.

PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rbagenda@rb9.swrcb.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 25, 2004.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: July 14, 2004.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 15 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Revision of Waste Discharge Requirements (change in ownership): R-Fam Investments, Inc., Tualota Springs RV Park & Campground, Riverside County (tentative Addendum No. 1 to Order No. 95-84) *(Eric Becker)*
6. Revision of Waste Discharge Requirements (change in ownership): Outdoor World RV Park, Inc., Outdoor World Retreat & RV Park, San Diego County (tentative Addendum No. 1 to Order 95-34) *(Ben Neill)*
7. Revision of Waste Discharge Requirements (change in ownership): Jojoba Hills SKP Resort, Inc., Jojoba Hills SKP Resort, Riverside County (tentative Addendum No. 1 to Order 94-48) *(Eric Becker)*
8. Revision of Waste Discharge Requirements (change in ownership): Fredrick W. Gorman and Laura L. Prutch, Fallbrook Kamp Retreat, San Diego County (tentative Addendum No. 2 to Order No. 94-69) *(Benjamin Tobler)*
9. Revision of Waste Discharge Requirements (addition of new treatment facility): South Orange County Wastewater Authority, Goren Wastewater Treatment Plant, Orange County (tentative Addendum No. 3 to Order No. 97-52) *(Eric Becker)*
10. Update of Waste Discharge Requirements: Leucadia Wastewater District, Forest R. Gafner Water Reclamation Plant, San Diego County (tentative Order No. R9-2004-0223) *(David Hanson)*
11. Revision of Master Reclamation Permit: Olivenhain Municipal Water District, 4-S Ranch Wastewater Treatment Plant, San Diego County (tentative Addendum No. 1 to Order No. R9-2003-0007) *(Bryan Ott)*
12. Administrative Assessment of Civil Liability with Mandatory Minimum Penalties against ARB Inc., Capistrano Desalter, San Juan Capistrano for violation of effluent limitations established by Order No. R9-2002-0020, NPDES No. CAG679001, General Waste Discharge Requirements for Discharges of Hydrostatic Test Water and Potable Water to Surface Waters and Storm Drains or other Conveyance Systems, San Diego Region. The Regional Board will decide on an order

accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0281) (*Sabine Knedlik*)

13. Administrative Assessment of Civil Liabilities against the following Dischargers for Non-Payment of Fiscal Year 2003 construction storm water permit annual fees in violation of California Water Code section 13260. The Regional Board will decide on Administrative Civil Liability Orders accepting payment of the proposed liability and waiver of the right to a public hearing. (*Frank Melbourn*)

NO	AGENCY / FACILITY NAME	LOCATION	CITY	WDID	TENTATIVE ACL ORDER
A	Beazer Homes California Inc. Tract 29442	Benton Road & Pourroy Road	Temecula	9 33C312846	R9-2004-0236
B	Kaiser Permanente Outpatient Facility	400 Craven Road	San Marcos	9 37C320134	R9-2004-0242
C	Kaiser Permanente Otay Mesa Parking Structure	4604 Palm Avenue	San Diego	9 37C320185	R9-2004-0243
D	KB Home Coastal Inc. Sierra at Eastlake Trails	N. Creekside Drive & Poplar Spring Road	Chula Vista	9 37C315264	R9-2004-0244
E	KB Home Coastal Inc. Bridlewood 2	Hunte Parkway & King Creek Drive	Chula Vista	9 37C315265	R9-2004-0245
F	Pala Rainbow LLC	SE Highway 79 & Pala Road	Temecula	9 33C312890	R9-2004-0250
G	Richmond American Homes of California, Inc. Ladera Chesapeake	26818 Oneill Drive	Mission Viejo	9 30C317504	R9-2004-0251
H	Richmond American Homes of California, Inc. Ladera Chesapeake	26478 Oneill Drive	Mission Viejo	9 30C317505	R9-2004-0252
I	Vail Lake, LLC	Vail Lake	Riverside County	9 33C315165	R9-2004-0254
J	Woodside Homes Tract 24136	Margarita Road & De Portola Road	Temecula	9 33C317493	R9-2004-0256

14. Settlement of Potential liability against KB Home Coastal for violations of Order No. R9-2001-0096, NPDES No. CAG919002, Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within San Diego Except for San Diego Bay associated with construction project referred to as Mar Lado Pump Station in Oceanside Calif. in San Diego County. The Regional Board will consider accepting a proposed settlement for the liability in lieu of adopting an ACL. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Resolution No. R9-2004-0264) (*Sabine Knedlik*)
15. **PUBLIC HEARING (if requested):** Rescission of NPDES requirements and enforcement order for discharges of treated sewage at US Marine Corps Base, Camp Pendleton, to the Santa Margarita River watershed that have been terminated:

a) **Rescission of NPDES Requirements** for discharges from Wastewater Treatment Facilities Nos. 1, 2, 3, and 13 (Headquarters, San Luis Rey, Chappo, and Twin Lakes):

1. Order No. 99-55, NPDES No. CA0108961, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 1 (Headquarters Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County;*
2. Order No. 99-56, NPDES No. CA0108979, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 2 (San Luis Rey Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County;*
3. Order No. 99-57, NPDES No. CA0108987, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 3 (Chappo Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County;* and
4. Order No. 99-59, NPDES No. CA0109002, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 13 (Twin Lakes Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County.*

b) **Rescission of Order No. 99-41, Cease and Desist Order** establishing interim effluent limitations and a time schedule to comply with the waste discharge requirements contained in the four (4) orders listed in subdivision a), above. **(This action requires approval by a majority of the membership of the Regional Board, i.e., 5 members. [W.C. 13306.]**

(Tentative Order No. R9-2004-0276) (*Charles Cheng*)

Remainder of the Agenda (Non-Consent Items):

16. **2004 Basin Plan Triennial Review.** Consideration of adoption of a Resolution approving the 2004 Basin Plan Triennial Review of the Water Quality Control Plan for the San Diego Region and adopting a Priority List of Basin Plan issues. The Board has previously received public testimony and comments on the tentative Resolution and this item is scheduled for Regional Board discussion only with adoption of the Resolution. (Tentative Resolution No. R9-2004-0156) (*Jody Ebsen and Laurie Walsh*)
17. NPDES Permit Renewal: Waste Discharge Requirements for the Duke Energy, LLC, South Bay Power Plant, San Diego County (tentative Order No. R9-2004-0154, NPDES Permit No. CA0001368) (*Hashim Navrozali*)
18. Delegation of authority to the Chair or a subcommittee of the Regional Board to address certain matters in the absence of a quorum. The Board will consider appointing a subcommittee authorized to act as a hearing panel or designate hearing officers for the purpose of conducting hearings and forwarding recommendations to the appropriate decision making body. The Board will also consider delegating authority to the Chair to represent the Regional Board in matters involving litigation. (*John Robertus*)

~~19. Rescission of Cease and Desist Order: U.S. Marine Corps Camp Pendleton, Santa Margarita River, San Diego County (tentative Order No. R9-2004-0276) (Charles Cheng) DELETED~~

20. *Executive Session* - Discussion of Ongoing Litigation

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al., United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61 (*David Hanson*); and the related “Surfrider” case: *Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.*, Case No. 99-CV-2441-BTM(JFS) (*David Hanson*)

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Deigo Region v. City of San Diego, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (*David Hanson*); and the related case:

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR) (*David Hanson*)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Fallbrook Public Utilities District v. State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Case No. GIC 819771 (referred to as “MMP case”); Petition for Writ of Mandate challenging administrative assessment of civil liability based on mandatory minimum penalties for violation of effluent limits in NPDES waste discharge requirements. (*Frank Melbourne*)

Fallbrook Public Utilities District v. State Water Resources Control Board, et al., San Diego County Superior Court Case No. GIC822179 (referred to as “Permit Modification case”); Regional Board failure to act on a request by Fallbrook PUD to amend certain permit conditions contained in NPDES waste discharge requirements. (*Victor Vasquez*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgement, Request for Jury Trial.

21. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
22. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
23. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
24. Arrangements for Next Meeting and Adjournment
Wednesday, October 13, 2004 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

On August 5, 2004, the Executive Officer issued Cleanup and Abatement Order No. R9-2004-0283 to the San Diego Unified School District. The Order was issued for the cleanup of fill material from waters of the State and installation of construction best management practices at the Brooklyn/Kimbrough Area Elementary School site. The school site is bounded by A Street to the north, C Street to the south, and 33rd Street to the east, and an unnamed tributary to Chollas Creek to the west, within the City of San Diego. (*Phil Hammer*)